

78-2368

INSPECTOR GENERAL

78-2100

DD/A Registry

78-3346/18

MEMORANDUM FOR: Deputy Director of Central Intelligence

FROM : John H. Waller
Inspector General

SUBJECT : New Grievance Regulation

1. Action Requested: That you approve the attached revisions of the Headquarters Regulation on grievances and the employee notice describing the new grievance procedures.

2. Background: The attached revision of [REDACTED] on grievances agrees in substance with the consensus of the 19 September EAG meeting at which the new procedures were discussed, and with the draft employee notice approved by you on 22 November 1978 for publication with the revised regulation. This revision (now [REDACTED]) has been concurred in by the General Counsel's Office, the Office of Personnel, the Directorate Grievance Officers, and reviewed by the Regulations Control Branch of the DDA. Several improvements suggested by them have been incorporated in its current form. The employee notice has been revised accordingly.

STATINTL

STATINTL

In the course of our discussion of the draft employee notice on 22 November, you indicated to me that you wished to have the subject of exclusions introduced in the notice and in the revised regulation with a phrase such as "consistent with government-wide practices. . . ." The General Counsel's Office believes that such a phrase should not be used to introduce the exclusions under the new grievance procedures because its "meaning is not clear, the statement may or may not be accurate, and, even if it is, it might become inaccurate if practices elsewhere in the Government change." The Office of Personnel also objects to the use of such a phrase, noting that Agency practice in handling grievances will not conform in all particulars to uniform government procedures currently being formulated and that the use of such a phrase could give rise in the future to misunderstandings or to claims that the regulation implies conformation to other aspects of civil service grievance procedures.

Consequently, I have omitted the phrase from the revisions of the regulation and the employee notice.

3. Recommendations: I recommend

STATINTL

- a. that you approve the attached revision of [REDACTED] and
- b. that you approve issuance of the employee notice in its revised form.

(signed)
John H. Waller

John H. Waller

Attachments, a/s

Recommendation a:

APPROVED: /s/ Stansfield Turner
Deputy Director of Central Intelligence

DISAPPROVED: _____
Deputy Director of Central Intelligence
21 DEC 1978

DATE: _____

Recommendation b:

APPROVED: /s/ Stansfield Turner
Deputy Director of Central Intelligence

DISAPPROVED: _____
Deputy Director of Central Intelligence

DATE: 21 DEC 1978

MEMORANDUM FOR: Deputy Director of Central Intelligence

FROM : John H. Waller
Inspector General

SUBJECT : New Grievance Regulation

STATINTL

STATINTL

OIG: [REDACTED] : bha(14 Dec 78) [REDACTED]

Distribution:

- Orig - Addressee (w/atts)
- 1 - ER (w/atts)
- 1 - IG Subject File (w/atts)
- 1 - IG Chrono File (w/atts)
- 1 - [REDACTED] Chrono (w/atts)
- 1 - [REDACTED] Chrono (w/atts)
- 1 - IG Staff for circulation

STATINTL

Revised Grievance Regulation

STATINTL
[REDACTED]

MANAGEMENT

7. GRIEVANCE SYSTEMS.

SYNOPSIS: This regulation sets forth basic rules applicable to the presentation and handling of grievances.

- a. POLICY. The Agency undertakes to create conditions of employment and a working environment conducive to employee satisfaction and to effectiveness in the accomplishment of the Agency's mission. It is Agency policy that employees have the opportunity to present job-related grievances with freedom from restraint, coercion, or reprisal, and that the Agency grievance system provide for the prompt, competent, and just consideration of such grievances. Insofar as possible, the resolution of grievances will be accomplished informally and at the lowest appropriate administrative level. Because the circumstances of grievance appeals, the investigative action, and the appeals process vary with each situation, time frames for resolution are not established in this regulation except as indicated in paragraph c(3) below. Persons concerned in the grievance process at all levels are responsible for acting as promptly as possible while ensuring complete and objective review and determination.

- b. DEFINITIONS.

(1) A grievance is an oral or written request by an employee for relief from dissatisfaction with career problems, working conditions, or other matters which affect the employee personally and which

are subject to the control of Agency management. (Separate provision is made for Equal Employment Opportunity complaints.

STATINTL

See [REDACTED]

- (2) Grievances shall not include: the content of published Agency policy or any matter for which an independent channel has been established by statute or regulation for adjudication; any judgment of a Personnel Evaluation Board or Panel in ranking or selecting employees for promotion on the basis of merit, unless the grievant can demonstrate with clear and convincing evidence that the record under consideration was significantly deficient; any nonadoption of an employee suggestion or any disapproval of an honorary or discretionary award. The Inspector General will review questions that may arise regarding whether a particular grievance falls under these exclusions.
- (3) The DCI area is included when reference is made to the directorates in this regulation; likewise, the Chairman of the "E" Career Service is included when reference is made to the Deputy Directors.

c. PROCEDURES.

- (1) Employees are expected first to seek solutions to grievances informally within their directorates, through consultations with supervisors or other officials. When their grievances relate to matters under the jurisdiction of Agency components outside of their directorate, they may consult appropriate officials in those

components. In addition, employees may request the Director of Personnel's advice and guidance concerning grievances.

- (2) Normally, grievances will be presented in accordance with the internal procedures specified by the directorate concerned. However, a grievance may be submitted directly to the Director or Deputy Director of Central Intelligence. Grievances may also be submitted to the Inspector General as specified in paragraph d(2) below.
- (3) An employee dissatisfied with attempts to resolve a grievance at lower levels within a directorate may submit the grievance orally or in writing to the Directorate Grievance Officer (DGO) in accordance with directorate grievance procedures, providing sufficient detail to make clear the basis for the grievance and the specific relief requested. The DGO will attempt to resolve the matter. The DGO will make recommendations regarding the case to the deciding official at the directorate level, the Deputy Director, if the latter's authority is required to achieve an equitable solution or if the employee so requests. Within 30 days of receipt of the grievance, the DGO will inform the employee in writing of the DGO's findings, of the decision of the Deputy Director, or of the need for additional time to investigate the grievance. In any event, the employee will receive written notification of the decision and its basis at the conclusion of the investigation.

- (4) Employees may appeal the directorate decision on their grievances through the Inspector General to the Director of Central Intelligence. The Inspector General will conduct an inquiry of a nature and scope appropriate to the issues involved in the grievance and will notify the employee in writing of the conclusions. The employee may accept the conclusions, or request that a report of the investigation be forwarded to the Director for final determination, or request a review by the DCI Grievance Board as provided below.
- (5) The DCI Grievance Board will consist of three members chosen by the employee from an approved panel listing maintained by the Inspector General. At least one member shall be from the employee's directorate. The board will review the record, conduct such hearings and inquiry as it deems appropriate, and submit its recommendations to the Director of Central Intelligence. An employee is entitled to enlist the assistance of another employee of the Agency in preparing a presentation for the board. Employees and those who assist them are entitled to reasonable periods of administrative leave, if necessary, for this preparation. However, they are encouraged to make use of off-duty time for this purpose. The record of the board's review will be available to the employee in accordance with Agency policy on access by employees to files concerning themselves.

d. RESPONSIBILITIES.

- (1) The Director of Central Intelligence is the deciding official on grievances and appeals submitted directly to the Director or Deputy Director of Central Intelligence, or to the Inspector General. The Deputy Director may also discharge this responsibility.
- (2) Acting for the Director of Central Intelligence, the Inspector General will be overseer of the Agency-wide grievance handling system. In addition, the Inspector General will receive and review all grievance appeals referred to that office and, as provided, forward them with recommendations to the Director of Central Intelligence for final decision. The Inspector General will also ensure that employees are quickly informed of decisions taken on their appeals to the Director. Normally, the Inspector General will not accept a direct appeal unless the recourse available through the directorate grievance system has been exhausted. However, the Inspector General will review any grievance received directly from an employee, without regard to the normal chain of command, when the employee can demonstrate that normal procedures would be futile or counterproductive.
- (3) Deputy Directors will establish grievance procedures within their components consonant with the provisions of this regulation.

- (4) Directorate Grievance Officers will provide staff support and advice on all grievances within a directorate to their Deputy Directors. In addition, they will counsel employees and investigate grievances with the goal of achieving prompt, equitable resolution of such problems as informally as possible.
- (5) Supervisors are responsible for processing grievances promptly and fairly.
- (6) Employees should use the system described in this regulation responsibly and avoid pressing capricious or harassing complaints. Employees are responsible for presenting grievances promptly; undue delay may impede adequate investigation and reduce the possibility of achieving satisfactory results.

Revised Employee Notice



UNCLASSIFIED

☒ INTERNAL

Approved For Release 2001/05/01 : CIA-RDP81-00142R000500050012-2

ROUTING AND RECORD SHEET

SUBJECT: (Optional)

New Grievance Regulation

DDA Registry

File Personnel 12

FROM: John H. Waller
Inspector General

EXTENSION

NO.

ER 78-7368

DATE

TO: (Officer designation, room number, and building)

DATE

RECEIVED

FORWARDED

OFFICER'S INITIALS

COMMENTS (Number each comment to show from whom to whom. Draw a line across column after each comment.)

1. [REDACTED] STATINTL
AI/DDA2. [REDACTED] STATINTL
EO/DDA

3. DDCI

4. DCT for final approval

5.

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8.

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14.

15.

SIGNATURE

Originators:

[REDACTED] STATINTL

To DDCI: OGC has suggested that you may wish to consider having the revised grievance regulation approved by the DCI because he is named in it as the final deciding official on grievance appeals in the Agency.

John H. Waller

FORM 3-62

610

USE PREVIOUS EDITIONS



SECRET



CONFIDENTIAL



INTERNAL USE ONLY



UNCLASSIFIED

Approved For Release 2001/05/01 : CIA-RDP81-00142R000500050012-2

ADMINISTRATIVE - INTERNAL USE ONLY

EMPLOYEE NOTICE

Grievance Handling Procedure

This notice outlines new Agency procedures for handling the grievances of employees. [REDACTED] is being revised to conform with the procedures described below.

A grievance is a request for relief from dissatisfaction with career problems, working conditions, or other matters affecting the employee personally and subject to the control of Agency management. Grievances should not be confused with dissent or EEO complaints. Separate provision has been made for voicing dissent, defined as an expression of significant substantive opinion at variance with formally accepted positions within the Agency on analytical, operational, or managerial matters. Likewise, EEO complaints, which address discrimination as defined by law, are separately handled.

It is Agency policy that employees be given the opportunity to have grievances considered promptly and resolved equitably. The following procedures are designed to promote this policy. They emphasize the primary responsibility of the directorates and the DCI area* in handling and resolving grievances. In addition, a new review forum is provided: the DCI Grievance Board.

*For the purposes of this notice, the DCI area is included when reference is made to the directorates.

ADMINISTRATIVE - INTERNAL USE ONLY

ADMINISTRATIVE - INTERNAL USE ONLY

Initial Phase--Role of the Directorate Grievance Officer

Every effort should be made to resolve grievances quickly and informally at the lowest appropriate level within the directorates. If possible, the employee should take up the matter with a supervisor or with another appropriate directorate official; if the grievance relates to matters under the jurisdiction of another directorate, officials in that directorate may also be consulted. Grievances may be presented orally or in writing at this level, in accordance with directorate grievance procedures.

A senior official has been named in each directorate to be Directorate Grievance Officer (DGO). The DGO is the principal advisor on grievance matters to the Deputy Director concerned or, in the DCI area, to the Chairman of the "E" Career Service. The DGO will be prepared to devote full time, if necessary, to grievance duties. The DGO's name will be made known to all employees in his or her purview. An employee dissatisfied with attempts to resolve a grievance at lower levels within a directorate may take an oral or written grievance to the DGO for resolution. The DGO will attempt to resolve the matter, referring it to the appropriate Deputy Director or to the Chairman of the "E" Career Service for decision if their authority is required or if the employee so requests. Within 30 days of receipt of a grievance, the DGO will notify the employee in writing of the decision or of the need for an extension of time to complete the investigation. In any event, the employee will receive written notification of the decision and the reasons for it at the conclusion of the investigation.

ADMINISTRATIVE - INTERNAL USE ONLY

Second Phase--Role of the Inspector General and the Grievance Board

The Inspector General will accept an employee grievance for review if the recourse available within the directorates has been exhausted without achieving a resolution satisfactory to the employee. Grievances must be submitted in writing for consideration by the Inspector General. The submission should include a description of the act or condition which is the cause of the grievance, its effect on the grievant, and a statement of the remedy sought. Members of the Inspector General's staff will assist the grievant in preparing such a statement if assistance is desired.

The Inspector General will review work already done on the directorate level and investigate further as necessary. He will persist in the search for a simple, informal, negotiated resolution of the matter. If the findings and conclusions of the Inspector General indicate that his recommendation to the DCI or DDCI as the deciding authority in the Agency would be adverse to the employee, the Inspector General will offer the employee a choice among the following three options:

- Accept the conclusions of the Inspector General as final in the case;
- Have the Inspector General's report of the investigation provided to the DCI or DDCI for final decision; or
- Have the matter reviewed by the DCI Grievance Board.

The DCI Grievance Board is an ad hoc, three-member board selected by the employee from an Agency-wide panel of officials nominated for rotational panel service by the Deputy Directors and the Chairman of the "E" Career Service and approved by the DCI or DDCI. A broad grade range will be represented on the panel. At least one member of the DCI Grievance Board selected by the employee must be from the employee's directorate. The Inspector General will maintain the panel listing.

An employee may enlist the assistance of another Agency employee in preparing and presenting his or her case for review by the DCI Grievance Board. Grievants and those who assist or represent them will be granted reasonable periods of administrative leave to prepare and to present the grievance. However, they are encouraged to make use of off duty time to prepare presentations.

The board's deliberations may be aided by a review of the record, the investigations conducted by the DGO and the Inspector General, interviews, a formal hearing, or a combination of these. Hearings will be administrative in nature and will not be conducted in accordance with the rules of evidence. The board will act in an advisory capacity to the DCI or DDCI whose decisions on board recommendations will be final.

The board will keep a record of its proceedings which will be available to employees in accordance with Agency policy on access of employees to files on themselves. Release of documents to employees will be governed by controls that apply to classification and protection of sources and methods.

Direct Appeal to the DCI or DDCI

An employee's option of bringing a grievance to the attention of the DCI or DDCI in writing directly or through the office of the Inspector General is preserved, notwithstanding the new procedures outlined above. This option should be exercised only when an employee can demonstrate that normal procedures would be futile or counter-productive.

Exclusions

Grievances shall not include: the content of published Agency policy or any matter for which an independent channel has been established by statute or regulation for adjudication; any judgment of a Personnel Evaluation Board or Panel in ranking or selecting employees for promotion on the basis of merit, unless the grievant can demonstrate with clear and convincing evidence that the record under consideration was significantly deficient; any nonadoption of an employee suggestion or any disapproval of a discretionary award. The Inspector General may be consulted on whether a particular grievance falls under these exclusions.

ADMINISTRATIVE - INTERNAL USE ONLY

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INSPECTOR GENERAL

78-1919

DD/A Registry

78-3346/2

6 November 1978

MEMORANDUM FOR: Deputy Director for Administration
Director/National Foreign Assessment Center
Deputy Director for Operations
Deputy Director for Science and Technology
Chairman, "E" Career Service

FROM: John H. Waller
Inspector General

SUBJECT: New Grievance System -- Nominees for Service
on DCI's Grievance Panel

1. Action Requested: This memorandum contains a request, in paragraph 6, to each addressee for nominees to the DCI's Grievance Panel. Details regarding the number and type of nominees required are contained in the following paragraphs.

2. Background: Pursuant to the consensus of the EAG meeting of 19 September 1978 and the instructions of the DDCI, I am taking the steps necessary to implement the new grievance system. As you know, progress on several fronts is required. Here I address only one of them--the establishment of a DCI Grievance Panel. From this Panel, under circumstances outlined below, a grievant may select an appellate DCI Grievance Board to review his or her case. I would like to complete a composite list of nominees and submit it for approval by the DCI and DDCI no later than 20 November 1978. For your information, a draft notice to employees, announcing the outline of the new system, is under consideration by the DDCI. Drafting our implementing regulation will be the next step.

3. In general, the new grievance system will operate as follows.

- a. Directorates and Independent Offices will have the primary role in handling and resolving grievances; quick, informal resolution at the lowest possible level is desired.

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2. IMPDET CL BY 155634

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- b. After having exhausted avenues of recourse within a Directorate and failing to achieve satisfaction, a grievant may appeal to the Inspector General (IG).
- c. If the IG's findings are adverse to the grievant, he may accept them, request that a report of the investigation be forwarded to the DCI or DDCI for final determination, or request review by a 3-member Board, which in turn will forward its recommendation to the DCI or DDCI. The grievant chooses his or her own Board, which must include at least one member from the grievant's own area (Directorate or "E" Service).

The nominees requested in this memorandum will serve on the Panel from which grievants will select the 3-member Boards described immediately above. One-year, rotational Panel service is currently contemplated.

4. For guidance on selection of nominees, I offer the following.

- a. At the EAG meeting it was agreed the roster should include individuals spanning officer grades.
- b. Subject to correction by events, we estimate that most grievants will choose to have their cases decided by Panel members of their own or higher grades. The bulk of our cases have been in GS-08-14 range. Thus, the overall roster should probably incline toward the higher grades.
- c. Insofar as possible, it is desirable to have a representative sampling of women and minorities included on the roster.
- d. Among the obvious qualities desired in nominees are: judgment; experience; the openness to appreciate both sides of a question; respect for both legal and equitable considerations.

5. It is not possible now to predict precisely what work burden the Panel system will entail for its members. The present volume of grievance cases in this office is running at 150-200 cases a year. Our guess is that no more than 10% of them would end up with requests for Board review. Should this prove accurate, and should selection by grievants be evenly distributed throughout the Panel, each member could expect to serve on no more than one Board per year. Obviously things won't work

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out that neatly, and the workload for individual cases will vary considerably. Nonetheless, I feel reasonably confident that no single Panel member will be asked to devote an unreasonable amount of time to service on DCI Grievance Boards.

6. Request for Nominees: The quota of nominees that we are requesting from each addressee has been based on the following considerations:

- a. each major component's proportion of the Agency's population;
- b. adjustments upward or downward to reflect the origins within the Agency of grievance cases which we have investigated over the past year;
- c. some "Kentucky windage" regarding the total number of officers required to serve on this first rotational DCI Grievance Panel as reflected in paragraph 5 above. As experience dictates, we will raise or lower the total number of Panel members so that no one will be called upon to devote an unreasonable amount of time to service on Grievance Boards.

With these factors in mind, I am asking for nominees as follows:

from the DDO	-	18
from the DDA	-	12
from the DDS&T	-	10
from the D/NFAC	-	6
from the Chairman -		
"E" Career Service		2

—
48

Please forward your nominations to me by mid-November in the form shown in the attachment.* This will facilitate review by the DCI and the DDCI. The brief summaries on each individual will also serve in collated form as reference for grievants who wish to select 3-man Grievance Boards to review their cases.


John H. Waller

25X1A

Attachment: a/s

* Please classify the summaries on the individual nominees as appropriate.

Nominee for DCI Grievance Panel

Name: Directorate: Grade:

Office or Division:

Job Description (in brief):

Agency Experience:

- EOD date
- Brief description of prior Agency experience, including (if applicable) service in other Directorates and offices or divisions

Pertinent Outside Experience, if any:

Other Factors Deemed Pertinent to Service on the Panel:

DDA 78-3346/8

15 NOV 1978

DDA Registry
File Pers - 11

MEMORANDUM FOR: Director of Communications
Director of Data Processing
Director of Finance
Director of Logistics
Director of Medical Services
Director of Personnel
Director of Security
Director of Training
MG Career Management Officer

25X1A FROM : [REDACTED]
Executive Officer, DDA

SUBJECT : Nominees for Service on DCI's Grievance Panel

REFERENCE : Memo frm IG to DD/A, D/NFAC, DD/O, DD/S&T,
and Chmn, E Car Ser, dtd 6 Nov 78, Subj:
New Grievance System--Nominees for Service
on DCI's Grievance Panel

1. The attached reference requests 12 DDA nominees for service on a DCI Grievance Panel. Also attached is a form for use in forwarding your nominations to us. We have broken the 12 down as follows: OC-2, ODP-1, OMS-1, OL-2, OP-1, OTR-1, OS-2, OF-1, and O/DDA-1. Please submit your nominees to the DDA/CMO by COB 17 November 1978.

25X1A 2. FYI, the Acting Deputy Director for Administration has selected the following officers for service on the DDA level grievance group; [REDACTED]

[REDACTED] Please exclude the above named officers from consideration for the DCI level grievance group.

25X1A

[REDACTED]

Attachments
As stated

E2 IMPDET
CL BY 004171

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INSPECTOR GENERAL

78-1919

DD/A Registry

78-3346/7

6 November 1978

MEMORANDUM FOR: Deputy Director for Administration
Director/National Foreign Assessment Center
Deputy Director for Operations
Deputy Director for Science and Technology
Chairman, "E" Career Service

FROM: John H. Waller
Inspector General

SUBJECT: New Grievance System -- Nominees for Service
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3. In general, the new grievance system will operate as follows.

- a. Directorates and Independent Offices will have the primary role in handling and resolving grievances; quick, informal resolution at the lowest possible level is desired.

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- b. After having exhausted avenues of recourse within a Directorate and failing to achieve satisfaction, a grievant may appeal to the Inspector General (IG).
- c. If the IG's findings are adverse to the grievant, he may accept them, request that a report of the investigation be forwarded to the DCI or DDCI for final determination, or request review by a 3-member Board, which in turn will forward its recommendation to the DCI or DDCI. The grievant chooses his or her own Board, which must include at least one member from the grievant's own area (Directorate or "E" Service).

The nominees requested in this memorandum will serve on the Panel from which grievants will select the 3-member Boards described immediately above. One-year, rotational Panel service is currently contemplated.

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- a. At the EAG meeting it was agreed the roster should include individuals spanning officer grades.
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- c. some "Kentucky windage" regarding the total number of officers required to serve on this first rotational DCI Grievance Panel as reflected in paragraph 5 above. As experience dictates, we will raise or lower the total number of Panel members so that no one will be called upon to devote an unreasonable amount of time to service on Grievance Boards.


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from the D/NFAC	-	6
from the Chairman	-	
"E" Career Service		2

—
48

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25X1A


John H. Waller

Attachment: a/s

* Please classify the summaries on the individual nominees as appropriate.

Nominee for DCI Grievance Panel

Name: Directorate: Grade:

Office or Division:

Job Description (in brief):


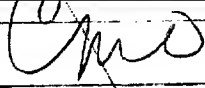
Agency Experience:

- EOD date
- Brief description of prior Agency experience, including (if applicable) service in other Directorates and offices or divisions

Pertinent Outside Experience, if any:

Other Factors Deemed Pertinent to Service on the Panel:

Approved For Release 2001/05/01 : CIA-RDP81-00142R000500050012-2

UNCLASSIFIED				CONFIDENTIAL				SECRET			
OFFICIAL ROUTING SLIP											
TO	NAME AND ADDRESS						DATE		INITIALS		
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ACTION			DIRECT REPLY			PREPARE REPLY					
APPROVAL			DISPATCH			RECOMMENDATION					
COMMENT			FILE			RETURN					
CONCURRENCE			INFORMATION			SIGNATURE					
Remarks:											
<p>For our phone con- versation - would you look at Waller memo & make any com- ments you'd like!</p>											
FOLD HERE TO RETURN TO SENDER											
FROM: NAME, ADDRESS AND PHONE NO.										DATE	
Approved For Release 2001/05/01 : CIA-RDP81-00142R000500050012-2											
UNCLASSIFIED				CONFIDENTIAL				SECRET			

STATINTL

☐ UNCLASSIFIED☐ INTERNAL
ONLY☒ CONFIDENTIAL☐ SECRET

ROUTING AND RECORD SHEET

SUBJECT: (Optional)

New Grievance System -- Nominees for Service on DCI's Grievance Panel

FROM: John H. Waller
Inspector General

EXTENSION

6565

NO.

DATE

6 November 78

TO: (Officer designation, room number, and building)

DATE

RECEIVED

FORWARDED

OFFICER'S
INITIALS

COMMENTS (Number each comment to show from whom to whom. Draw a line across column after each comment.)

1. *EC / DDA**11/7**[Signature]**DD/A P**File**Per-12*

2.

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A / DDA

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78-3346